



State of Utah

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DIVISION OF OIL, GAS AND MINING

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April 22, 1999

TO: File

THRU: Mary Ann Wright, Associate Director *[Signature]*

THRU: Daron Haddock, Permit Supervisor *[Signature]*

FROM: Susan White, Senior Reclamation Biologist *[Signature]*

RE: Midterm Review, Horizon Mining, LLC, Horizon Mine, ACT/007/020-MT99, Folder #2, Carbon County, Utah

SYNOPSIS

The below Technical Analysis identifies several items which were reviewed during the Midterm Permit Review. A site visit was conducted on April 20, 1999 as part of the review.

TECHNICAL ANALYSIS

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR Sec. 783., et. al.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21; R645-301-322.

Analysis:

The permit states (page 10-3) that "A macroinvertebrate and fish study will be performed by Horizon in conjunction with UDOGM and DWR personnel in 1997 and in the year 2002. The studies will be upstream and downstream of the horizon site, covering 500 meters (5 stations) on the North Fork of Gordon Creek." The results of this study could not be found in the permit or the 1997 Annual Report". Since this is considered baseline information the Plan should include the reporting and results of this study as an appendix to Chapter 10.

Findings:

The midterm review has identified that the plan does not meet the requirements of this section. The permittee must provide the following in accordance with:

R645-301-322, a report to be included in the plan, produced by the persons or organization which conducted the macroinvertebrate and fish study conducted in 1997.

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan.

The Plan (page 10-35) states that Horizon will monitor road kills and report numbers weekly to the DWR; and remove killed deer and elk from the road between the Wildcat Coal Loadout and the mine site. A phone call to DWR during this midterm review concluded (although not conclusive) that road kill numbers have not been reported and road kills have not been removed from the road. The Operator should be reminded of the commitment for future reporting. Numbers of road kills and kills removed from the road should be recorded and then summarized in the Annual Reports.

The Operator has committed to fencing (page 9-7) an area 40 feet x 60 feet of preconstruction riparian vegetation below the sediment pond. No fence was observed during an on site inspection conducted April 20, 1999. Numerous cow pies were observed in the area, indicating that livestock had not been restricted as committed (page 10-38).

As part of a mitigation program the Operator was to recreate a riparian vegetative community along Jewkes Creek channel below the sediment pond to the road. The channel was reconstructed during road construction activities. During the site inspection, completed revegetation work was observed however, the success of that work could not be evaluated due to the early season.

Findings:

Information found in the plan and on site relevant to this midterm review have not been found to be consistent with the requirements of this section. The Operator should be reminded of the permit commitment to report and remove road kills. Numbers of road kills and kills removed from the road should be recorded and then summarized in the Annual Reports. The Operator has committed to fencing (page 9-7) an area 40 feet x 60 feet of preconstruction riparian vegetation below the sediment pond. No fence was observed during an on site inspection conducted April 20, 1999.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

The Operator had conducted interim site stabilization with vegetation in several areas above the facilities area and below the sediment pond. No noxious weeds were observed in the interim vegetation. Gordon Creek is known to have infestations of Musk thistle and the Operator should be observant not to let this species establish.

Findings:

Information found in the plan and on site relevant to this midterm review meet the minimum regulatory requirements of this section.

RECLAMATION PLAN

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

General Requirements

No reclamation or permanent revegetation has been conducted on site.